



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

CHARITIES AND TRUSTS FOR CHARITABLE USES — WHAT CONSTITUTE CHARITIES — HOSPITAL FOR EMPLOYEES MAINTAINED BY RAILROAD. — A monthly fee was deducted by the defendant company from the wages of its employees for the purpose of maintaining a hospital and providing medical services for sick and injured employees. The company derived no profit from this. An injured employee was treated by the company's surgeon and died because of the surgeon's negligence. *Held*, that the company is not liable, provided it used reasonable care in the selection of surgeons. *Arkansas Midland R. Co. v. Pearson*, 135 S. W. 917 (Ark.).

A charitable hospital is not liable for the negligent acts of its physicians and surgeons unless it has been guilty of negligence in selecting them. *McDonald v. Massachusetts General Hospital*, 120 Mass. 432. *Contra*, *Glavin v. Rhode Island Hospital*, 12 R. I. 411. This principle has been extended to hospitals run by railroads for the treatment of their sick and injured employees. *Eighmy v. Union Pacific Ry. Co.*, 93 Ia. 538. It has been held further, in accord with the principal case, that such a hospital run from funds deducted from the wages of employees, but without direct profit to the company, is, from the standpoint of the employees, a charity. *Texas Central R. Co. v. Zumwalt*, 132 S. W. 113 (Tex.); *Wells v. Ferry-Baker Lumber Co.*, 57 Wash. 658. If profit is derived from such a hospital, it is no charity, and the company is liable for the negligence of its physicians and surgeons. *Texas & Pacific Coal Co. v. Connaughten*, 20 Tex. Civ. App. 642; *Sawdey v. Spokane Falls & Northern Ry. Co.*, 30 Wash. 349. But, it is submitted, the mere lack of intention to make direct profit should not be the sole determining feature of a charity. *Donnelly v. Boston Catholic Cemetery Association*, 146 Mass. 163; *Newcomb v. Boston Protective Department*, 151 Mass. 215. And as in the principal case there seem to be great indirect benefit to the company and a business contractual duty to provide medical attention for good consideration, the company should be held liable. *Phillips v. St. Louis & San Francisco R. Co.*, 211 Mo. 419; *Texas & Pacific Coal Co. v. McWain*, 124 S. W. 202 (Tex.).

CHATTEL MORTGAGES — RECORDING AND REGISTRY — REMOVAL TO ANOTHER STATE. — A trust deed conveying two mules as security for a debt and providing that the mortgagor should retain possession until default, was executed and recorded in Mississippi, where the property then was, according to the laws of that state. After default in payment, the mortgagor, without the knowledge or consent of the mortgagee, removed the property to Tennessee and sold it to the defendants, *bonâ fide* purchasers without notice. *Held*, that the mortgagee has a superior title. *Newsum v. Hoffman*, 137 S. W. 490 (Tenn.).

The overwhelming weight of authority supports the rule that the interest of a mortgagee, once vested by the recording acts of one state, will be respected wherever the property goes. *Langworthy v. Little*, 12 Cush. (Mass.) 109; *Greenville Nat. Bank v. Evans-Snyder-Buel Co.*, 9 Okl. 353. As in other cases, where such recording fails as a real protection to purchasers, the rule is *caveat emptor*. *Handley v. Harris*, 48 Kan. 606. See 19 HARV. L. REV. 568. The question usually resolves into one of policy. Some courts have held that, as part of a general policy against transfers without change of possession, the rights of *bonâ fide* purchasers as against such foreign mortgages, being unprotected by their own recording system, cannot be affected by records existing in another state. This seems to be law in only three jurisdictions at most. *Corbett v. Littlefield*, 84 Mich. 30; *Miles v. Oden*, 8 Mart. n. s. (La.) 214; *Bank v. Carr*, 15 Pa. Super. Ct. 346. On the other hand, the general prevalence of recording acts justifies the policy, commonly styled comity, of recognizing and preferring the interest acquired under such a statute in another state. *Parr v. Brady*, 37 N. J. L. 201. Some authority supports the principal case in the